

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

MICHAEL MANUEL )  
and DOROTHY MANUEL, )  
 )  
Plaintiff, )

v. )

**JUDGMENT**

No. 7:10-CV-4-FL

JOSEPH A. GEMBALA, III, ESQ.; )  
JOSEPH A. GEMBALA III & )  
ASSOCIATES, a Pennsylvania sole )  
proprietorship and 18 U.S.C. 1961(4) )  
associate-in-fact; SECURE PROPERTY )  
SOLUTIONS LLC, a New Jersey limited )  
liability company and 18 U.S.C. 1961(4) )  
associate-in-fact; CUSTOM ASSET )  
SOLUTIONS LLC, a New Jersey limited )  
liability company and 18 U.S.C. 1961(4) )  
associate-in-fact; NATIONAL )  
MORTGAGE CONSULTANTS GROUP )  
LLC, a New Jersey limited liability )  
company and 18 U.S.C. 1961(4) )  
associate-in-fact; MICHAEL MALONE; )  
and CHRISTOPHER FRISCH, )  
 )  
Defendants. )

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court's orders entered September 30, 2010; September 10, 2012; October 10, 2013; and November 13, 2013, and for the reasons set forth more specifically therein, that:

- (1) The motion to dismiss the amended complaint as to defendants Joseph A. Gembala, III, Esq. And Joseph A. Gembala, III & Associates is granted by order of the court entered September 30, 2010 [DE 50].

- (2) Defendants Secure Property Solutions, LLC and National Mortgage Consultants Group, LLC are dismissed where plaintiffs failed to file proof of service by order of the court entered September 30, 2010 [DE 50].
- (3) Defendants Christopher Frisch and Custom Asset Solutions, LLC are dismissed where dismissal was taken pursuant to Rule 41(a)(1)(A)(i) in filing made by the plaintiffs on October 28, 2011 [DE 73].
- (4) The second amended complaint is dismissed without any prejudice as to defendants Joseph A. Gembala, III and Joseph A. Gembabla III & Associates where dismissal was taken pursuant to Rule 41(a)(1)(A)(i) in filing made by the plaintiffs on May 30, 2012 [DE 78] and by order of the court entered September 10, 2012 [DE 80].
- (5) Plaintiffs' motion for summary judgment is denied by order of the court entered October 10, 2013 [DE 101].
- (6) Plaintiffs' motion for voluntary dismissal with prejudice under Rule 41(a)(2) is granted and plaintiffs' claims against defendant Michael Malone are dismissed with prejudice by order of the court entered November 13, 2013 and the case is closed [DE 103].

**This Judgment Filed and Entered on November 14, 2013, and Copies To:**

George W. Dennis, III (via CM/ECF Notice of Electronic Filing)  
Carrie Elizabeth Meigs (via CM/ECF Notice of Electronic Filing)  
Christopher W. Livingston (via CM/ECF Notice of Electronic Filing)  
Michael Malone (via U.S. Mail) 1120 Tara Drive, Williamstown, NJ 08094

November 14, 2013

JULIE A. RICHARDS, CLERK

/s/ Christa N. Baker  
(By) Christa N. Baker, Deputy Clerk